

Response Under 37 CFR 1.116
Expedited Procedure
Examining Group 3625

Remarks

Specification

The Office Action rejects the arrangement of the specification.

A substitute specification, and marked-up specification, is submitted herewith, in accordance with the Office Action's request. The specification is modified according to US style and practice for arrangement. No new matter is added to this substitute specification. Paragraphs [0002] and [0003] are introduced from amended sheets presented in the original PCT Application, and therefore, do not introduce new matter. Applicant respectfully believes this substitute specification conforms the application to US style and practice, without adding new matter, and overcomes the Examiner's rejection.

Discussion of the Claims

Claims 1, 3-7, 9-13 and 15 are pending, and they are rejected in this final Office Action. Claims 2, 8 and 14 have been cancelled. Claims 1, 7, and 15 have been amended. New claims 16-28 have been added in this Amendment After Final Action.

Rejection Under 35 USC 103

In independent claims 1, 7 and 15, the feature of sending a message to the food outlet with the suggestion to check the fax machine if there are problems in the transmission of an order (from the description) has been introduced. This feature is supported in the original disclosure. Please see page 3, paragraph [0005].

None of the prior art cited in the Office Action discloses this feature. Accordingly, the subject matter of the claims now on file is new and inventive.

Trebesius (H)01ICP0235USP US Patent Application 09/869,550
Response to final Office Action mailed 05/03/2005 Amendment after Final Action with RCE
Submitted by fax on November 3, 2005

7

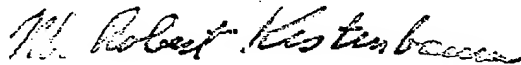
Response Under 37 CFR 1.116
Expedited Procedure
Examining Group 3625

Further, new dependent claims 16-22 have been introduced, defining the features of transmitting the message as electronic voice phone message; as e-mail; or fax; and transmitting a message to the orderer notifying of an unsuccessful ordering attempt. These features are supported on page 6, last paragraph, as well.

A three-month extension of time in which to respond to the outstanding Office Action is hereby requested. A Request for Continued Examination is also submitted herewith. Credit Card Payment Form PTO-2038 is enclosed to cover the prescribed Small Entity three-month extension fee of \$510 and the small entity RCE fee of \$395, and an additional claim fee of \$125 for 5 additional dependent claims in excess of 20, for a total of \$1,020.

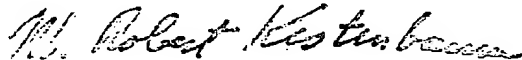
It is respectfully requested that the current submission of this Amendment after Final Action with RCE be entered and considered. Further consideration and allowance of the claims is respectfully requested.

Respectfully submitted,



M. Robert Kestenbaum
Reg. No. 20,430
11011 Bermuda Dunes NE
Albuquerque, New Mexico 87111
Phone (505) 323-0771
Fax (505) 323-0865

I hereby certify this correspondence is being submitted by facsimile transmission to Commissioner for Patents, Mail Stop AF with RCE, fax number (571) 273 8300, on November 3, 2005.



M. Robert Kestenbaum

Trebesius (H)01ICP0235USP US Patent Application 09/869,550
Response to final Office Action mailed 05/03/2005 Amendment after Final Action with RCE
Submitted by fax on November 3, 2005

8